



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making**Agency:** Washington Horse Racing Commission

- ☒ **Preproposal Statement of Inquiry** was filed as WSR 08-20-063; or
☐ **Expedited Rule Making--Proposed notice** was filed as WSR _____; or
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**
☐ **Supplemental Notice to WSR** _____
☐ **Continuance of WSR** _____

Title of rule and other identifying information: (Describe Subject) WAC 260-60-405 Claiming – Declaring a horse to be ineligible to be claimed at the time of entry. NEW SECTION**Hearing location(s):**

Auburn City Council Chambers
25 W. Main
Auburn, WA 98002

Date: October 8, 2009 Time: 9:30 a.m.

Date of intended adoption: October 8, 2009
(Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Robert J. Lopez
Address: 6326 Martin Way, Suite 209
Olympia, WA 98516-5578
e-mail rlopez@whrc.state.wa.us
fax (360)459-6461 by (date) October 1, 2009

Assistance for persons with disabilities: Contact

Patty Sorby _____ by October 1, 2009

TTY (360) 459-6462 or () _____

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Adopt a new rule allowing a trainer, at the time of entry to make a horse ineligible for claiming whenever a horse has been laid off for a period of eighty days or more, and the horse is being entered for a claiming price equal to or greater than the price at which the horse last started.

Reasons supporting proposal: This allows a trainer or owner to start a horse after a long lay-off in a race without risking the horse being claimed.

Statutory authority for adoption: RCW 67.16.020**Statute being implemented:****Is rule necessary because of a:**

Federal Law? ☐ Yes ☒ No
Federal Court Decision? ☐ Yes ☒ No
State Court Decision? ☐ Yes ☒ No
If yes, CITATION:

DATE August 13, 2009**NAME** (type or print)
Robert J. Lopez**SIGNATURE****TITLE** Deputy Secretary**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 13, 2009**TIME:** 5:11 PM**WSR 09-17-069**

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Washington Horse Racing Commission

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Robert J. Lopez	6326 Martin Way, Suite 209 Olympia, WA 98516-5578	(360) 459-6462
Implementation.... Robert J. Lopez	6326 Martin Way, Suite 209 Olympia, WA 98516-5578	(360) 459-6462
Enforcement..... Robert J. Lopez	6326 Martin Way, Suite 209 Olympia, WA 98516-5578	(360) 459-6462

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared. Not applicable

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: Not applicable

NEW SECTION

WAC 260-60-405 Claiming--Declaring a horse ineligible to be claimed at time of entry. (1) At the time of entry, the owner, trainer, or if designated, the jockey agent, may opt to declare a horse ineligible to be claimed provided:

(a) The horse has been laid off and has not started in a race for a minimum of one hundred eighty days; and

(b) The horse is entered for a claiming price equal to or greater than the price at which the horse last started.

(2) Failure to declare the horse ineligible to be claimed at the time of entry may not be remedied.

(3) The provisions of this rule will only apply to the first start following each layoff.